

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 1:01-CR-91

v.

HON. ROBERT HOLMES BELL

ERIC NICHOLS SHORTER,

Defendant.

_____ /

MEMORANDUM OPINION AND ORDER

This matter is before the Court on defendant's Motion for Modification or Reduction of Sentence Pursuant to 18 U.S.C. §3582(c)(2) (docket #20). Based on a review of defendant's motion, the Sentence Modification Report, submissions by counsel on behalf of the defendant and the government, and the original criminal file, the Court has determined that the motion should be denied for the following reasons:

1. The defendant has an extensive record which resulted in a criminal history category of 'V' at the time of sentencing.
2. A Michigan Department of Corrections detainer has been placed on defendant for a parole violation for such time as he is released from federal custody.
3. His institutional record contains several major infractions.
4. The sentence received was appropriate for the entire record presented to the Court at the time of the October 10, 2001 sentencing.

Date: April 9, 2008

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
CHIEF UNITED STATES DISTRICT JUDGE